

APPLICATION FORM FOR APDP2 BENEFITS IN TERMS OF SECTION 22 OF THE AMENDED APDP2 REGULATIONS THAT DEALS WITH EXCEPTIONAL CIRCUMSTANCES

PLEASE NOTE:

It is imperative to understand the content of the documents entitled AMENDED APDP2 REGULATIONS, INFORMATION DOCUMENTS A, AND B (“the Guidelines”), before completing this application form.

By submitting this application to ITAC, the applicant consents to ITAC and/or the dtic sharing the information contained herein with each other.

This application form must be submitted by hand to:

The Senior Manager of Tariff Investigations II

Thedtic campus, Block E 1st Floor
77 Meintjies Street
Sunnyside
Pretoria
0001

Failure to adhere to the conditions contained in the Regulations and Guidelines may result in a delay in the processing of an application.

If the space provided in this form is insufficient, please use the layout of this application form as a guideline for the format in which the requested information should be submitted.

A. GENERAL CONDITIONS

Exceptional Circumstances apply:

- If a final manufacturer suffered an extensive damage due a disaster that led to the declaration of a National State of Disaster by the President of the Republic of South Africa;
- And as a result its manufacturing facility(ies) is/are severely affected and the applicant lost production volumes which has a significant impact on their ability to earn APDP2 benefits;
- In this case, a final manufacturer may approach the Accounting Officer of the Department of Trade, Industry and Competition (The DTIC) requesting a temporary deviation from the normal requirements for accruing benefits under the APDP2;
- The benefits available include: issuing of Advance PRCs to be reimbursed by the affected party later when production operations resume;
- Issuing of PRCs in the event that the produced eligible products are damaged prior to being sold and PRC applications being lodged to ITAC; and
- The re-issuing of PRCs used on the importation of components for use in the manufacture of locally manufactured vehicles that were destined for the export market but were damaged prior being exported as well as vehicles imported into South Africa but were damaged due to the disaster and were written-off prior to being sold
- In the case of applications for APDP2 benefits where eligible products were damaged prior to being sold, prospective applicants must make use of the normal APDP2 application process (A2 and all other applicable annexes) and include substantiating documents such as, but not limited to: insurance proceeds documents (as opposed to proof of repatriation) and scrapping documents (as opposed to tax invoices).

- The PRCs issued in terms of Note 22 to the Amended APDP2 Regulations cannot be transferred except in the case of PRCs issued for eligible products produced but damaged prior to being sold;
- The manufacturer must ensure that it is not in a better financial position with the deviation than it would have been without the exceptional circumstances referred to;
- The validity date of PRCs issued in terms of Note 22 of the APDP2 Regulations will commence from the first day of the customs quarter in which the application was submitted to ITAC. However, ITAC reserves the right to review the validity period should the need arise.

Please mark with an (x) which benefit(s) you are applying for:

ADVANCE PRCs	RE-ISSUE OF PRCs

B. QUESTIONS TO BE FILLED BY ALL APPLICANTS

1. Details of Applicant:

1.1 Name of Applicant:

.....

1.2 VAT Registration No.:

.....

1.3 Importer's code:

.....

1.4 Physical Address:

.....

.....

.....

1.5 Contact Details:

1.5.1 Contact Person:

.....

1.5.2 Contact Number:

.....

1.5.3 Email Address:

.....

2. Please provide details of the nature of business of the applicant:

.....

.....

3. Furnish the current B-BBEE certificate and level

.....

4. For component and tooling manufacturers, furnish the Eligible Production Certificate Number related to the products applied for

.....

5. Furnish the date the disaster affected your production facilities

.....

6. Furnish evidence of the impact (loss of production) of the disaster on your production facilities (**a detailed budgeted vs actual production volumes**)

.....

7. Furnish the letter from the Accounting Authority from the Department of Trade Industry and Competition approving the application for relief under the APDP 2

.....

8. Furnish evidence from your insurance on the extent of cover provided related to eligible products destroyed in the disaster

.....

9. Furnish an assurance report from your auditor in relation to your application for assistance under the APDP2

.....

C. ADVANCE PRODUCTION REBATE CERTIFICATES

The provision caters for existing qualifying participants under the APDP2 whose manufacturing facilities were destroyed by the disaster and as a result, they are unable to accrue Production Incentive benefits. The participants may claim advance PRCs which they will repay with future PRC claims, once production operations resume. Evidence should be provided of the intention to resume production operations in SA and the applicant may be requested to submit monthly reports on the usage of the advance PRCs to ITAC. It should be noted that at least 15% of the value of the future PRCs claim must go towards the settlement of advance PRCs and the advance must be repaid within 24 months from the date of issuing.

10. Furnish the following information in respect of Advance PRC.

RAND VALUE OF ADVANCE PRCs REQUESTED	
---	--

11. Furnish certificate values and numbers of previous APDP claims for the last 4 quarters

DATE OF ISSUE	CERTIFICATE NUMBER	CERTIFICATE VALUE

12. Based on Q11 above, furnish details of when the applicant will repay the advance PRCs. A separate letter indicating portion towards repayment must be submitted with each PRC claim.

QUARTER AND FINANCIAL YEAR OF (FUTURE CLAIMS)	ESTIMATED PRC VALUE	PORTION OF REPAYMENT TOWARDS ADVANCE PRCs

D. RE-ISSUING OF CERTIFICATES RELATED TO ELIGIBLE IMPORTS DESTROYED IN THE DISASTER

The provision caters for the re-issuing of certificates used on the importation of components for use in the manufacture of locally manufactured vehicles that were destined for the export market but were damaged prior being exported as well as vehicles imported into South Africa but were damaged due to the disaster and were written-off prior to being sold. The re-issued certificates cannot be transferred to another party. The applicant must ensure that it is not in a better financial position with the deviation than it would have been before the disaster.

13. Furnish the following information in respect of certificate requested.

RAND VALUE OF CERTIFICATE REQUIRED	
---	--

14. Furnish evidence of products destroyed by the disaster (substantiating documents to be submitted)

DESCRIPTION OF IMPORTED PRODUCTS	DATE OF IMPORT	IMPORT DOCUMENTATION	PROOF OF PRODUCTION	QUARTER IN WHICH FINAL PRODUCTS WERE PRODUCED	DESTRUCTION CERTIFICATE NUMBER

15. Furnish the following details related to the affected certificates used in the importation of products destroyed by the disaster

CERTIFICATE NUMBER	FACE VALUE OF CERTIFICATE	PORTION OF CERTIFICATE TO BE RE-ISSUED

16. Furnish contract and/or purchase order for the exportation of the eligible products that were destroyed.

17. Confirmation that the bills of material, supporting documentation including import documentation can be made available upon request during a verification.

DECLARATION BY CHIEF EXECUTIVE OFFICER OR DIRECTOR NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OFFICER IN RESPECT OF APDP2 BENEFITS ISSUED IN TERMS OF NOTE 22 OF THE AMENDED APDP2 REGULATIONS

NB. The obligation to complete and submit this declaration cannot be transferred to an external authorised representative, auditor or any other third party acting on behalf of the claimant

I, the undersigned,

_____ (full names)

do hereby declare in my capacity as -

Managing Director/Chief Executive/Director (in respect of a company)/Senior Member/Person with management responsibility in respect of Close Corporation (delete that which is not applicable)

of

_____ (hereinafter referred to as the applicant)

that -

- (a) The facts herein contained are within my own personal knowledge;
- (b) The applicant complies with the prescribed requirements in order to qualify for participation in the above-mentioned programme;
- (c) I have satisfied myself that the preparation of the application has been done in conformity with the International Trade Administration Commission of South Africa’s guidelines and requirements in respect of the above-mentioned programme, of which I have fully acquainted myself and to which I unconditionally agree;
- (d) All destruction certificate submitted are valid and are related to eligible products that were wholly manufactured in South Africa (except in the case of imported products) and have not been tempered with;
- (e) I accept that the decision by the International Trade Administration Commission of South Africa, as to the determination of the values of Production Rebate Certificates, will be final and conclusive and that the said Commission may at any time conduct or order that a full scale investigation be conducted to verify any information furnished in the application form;
- (f) I understand that the International Trade Administration Commission of South Africa relies on and can call on me as far as the correctness of this declaration is concerned;

- (g) In the case of application for an Advance Production Rebate Certificate, I understand that the International Trade Administration Commission of South Africa will deduct future claims by the values agreed upon in **Section 12** of the application. I agree that any unpaid Advance PRCs may be withdrawn by SARS;
- (h) The information furnished in this application is true and correct and I understand that the furnishing of incorrect information as far as this application is concerned, can lead to disqualification from participation and forfeiture of all benefits in terms of the programme whereupon the applicant will be required to refund any benefits received, to which measures I unconditionally agree; and
- (i) The applicant or any one of its associates or related party is not the subject of an investigation by either the South African Police Services, the Office for Serious Economic Offences, the International Trade Administration Commission of South Africa or the Commissioner for the South African Revenue Service.

NAME: _____ **DESIGNATION:** _____

SIGNATURE: _____ **DATE:** _____

WITNESS NO. 1 _____ **DATE:** _____

WITNESS NO. 2 _____ **DATE:** _____